From: Sean Roberts
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

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To whom it may concern,

My name is Sean Roberts and I am writing to voice my opposition to the
current Microsoft settlement proposal. This proposal does nothing to
address the issue of Microsoft's dangerous lack of software quality
and its effect on national security, nor does it address the "iron
fist" policy Microsoft employs to choke off the free exchange of
information by limiting communication to Microsoft platforms only. The
Microsoft settlement proposal not only fails to punish Microsoft for
its behavior, but also fails to address the real issue -- Microsoft's
unwillingness to play on a level playing field.

In this letter I provide details to support my opposition. These
details include information about the use of the Internet to freely
exchange ideas and Microsoft's serious impact on that free exchange.
I will also give my own negative experiences with Microsoft products
and the impact of such poor quality software on national defense.

Background

I work for a company that writes software for US missile
defense. Unlike the business world where Microsoft products often
provide the only software solutions, the science and defense
communities employ a variety of computing solutions -- typically
various flavors of UNIX. The reasons for employing these alternate
platforms are multiple and include, but are not limited to, security,
reliability, and computational speed. Microsoft does not offer a
platform that can handle the types of computationally complex problems
many scientists are trying to solve.

Free Information Exchange vs. Proprietary Protocols

The Internet as we know it today grew from the seed of ARPANET, a
network of military computers built for communication between defense
installations, and communication between defense research
scientists. Later ARPANET was made public so researchers and academics
outside the defense industry could benefit from the open sharing of
ideas and information that the defense researchers found so useful.
At that time, because the protocols were free and open, anybody could
get involved in the sharing of information, regardless of the platform
they chose to use. Later the business world came to benefit from this
ability to share information, to manage their finances, and to allow
communication between departments that were separated by large
distances. Soon this network grew to allow average citizens to access
vast amounts of information that had previously been unavailable to
them.

Recently, Microsoft has begun to employ proprietary protocols that
prevent citizens using non-Microsoft platforms from being involved in
the sharing of information. If you wish to communicate with someone
who uses Microsoft products you must also use Microsoft products. It
now appears that the Internet, a publicly built and maintained
infrastructure designed to allow everyone to participate in a climate
of open exchange of ideas is becoming something else indeed. It
seems that the Internet is doomed to become yet another strategic tool
to maintain and further Microsoft's dominant position in the desktop
operating system market, and to allow Microsoft to make further
inroads into the server market.

The .NET initiative is taking Microsoft's "domination" strategy to new
levels (in light of Microsoft's past actions, to think otherwise would

be na<ve). This strategy allows Microsoft to gain dominance, not
because Microsoft has a superior product, but because its protocols
are secret and proprietary. As a result Microsoft is not driven by
the need to produce a stable, reliable, and above all secure product.
Microsoft does not operate in a climate of fair competition, but in a
climate of monopolistic advantage. This has a negative effect on
society as a whole, and on the defense industry in particular.

Poor Quality Microsoft Software and National Security

Let me give an example of how Microsoft's poor software design can
have a negative effect on defense work. My company had to
electronically transmit software we developed to another company in
the defense industry, on the other side of the country. We tried to
accomplish this transmittal at a time when a Code Red Worm was
attacking vulnerable Microsoft products. The traffic associated with
this worm slowed the network to such an extent that we were unable to
transmit our software.

We eventually had to mail our software on a CD! Our country's
missile defense was negatively impacted because of Microsoft's poor
software design. Should we wait until another Microsoft vulnerability
slows or damages the Internet to such an extent that vital national
defense work is not only delayed, but cannot be done at all?

This is just one example of indirect harm to national security due to
Microsoft and this harm is minor compared to more direct assaults,
ranging from DDOS attacks on government computers, to financial theft,
to computer espionage. To maintain a free society we must never
allow any single entity to take control of the lines of communications
or to dictate the manner by which people access information!

No computer system is going to be 100% secure. As a result of their
monopoly Microsoft does not gain from producing a quality product, but
instead from secret protocols, Thus Microsoft does not put a premium
on stable, secure systems. Microsoft must be made to play on a level
playing field if they are to ever shift their focus from using their
monopoly to eliminate the competition to producing a product whose
success depends on the quality of the product.

Microsoft Settlement Proposal

The current settlement proposal does not address the issues of
Microsoft's serious lack of software quality and its effect on
national security, nor does it address the Microsoft's "iron fist"
policy to choke off the free exchange of information by limiting
information transfer to Microsoft platforms only. Thus, the proposal
not only fails to punish Microsoft, but also fails to address the real
issue - Microsoft's unwillingness to play on a level playing field.

I have heard some say that punishing Microsoft too harshly is a threat
to national security because of the potential financial ramifications.
My response to this concern is to ask, "Is it a good idea that a
company becomes so large and powerful that we cannot punish them for
their indiscretions for fear of the economic ramifications?" I would
argue that not punishing them hard enough presents a far greater
national security threat.

If Microsoft cannot compete on a level playing field, they are really
nothing more than a paper tiger. Consequently, basing an entire
industry as crucial as computing upon the platform of one such a
company is dangerous to the extreme. Artificially supporting
Microsoft by allowing them to play by their own rules is simply

delaying their fall, and the longer we wait the worse the fall will be. Not punishing Microsoft hard enough also sets a dangerous precedent that will make it difficult to level sanctions against them or any other company in the future that commits further offenses. "Caving in" to Microsoft will prove that our government finds this monopolistic behavior acceptable, and will invite other companies to copy Microsoft's actions. Failing to deliver appropriate punishment will introduce more problems, and certainly will not solve the already existing problems I alluded to earlier.

Summary

In summary, I urge you to provide a settlement with Microsoft that both levels the playing field and punishes Microsoft for it bullying tactics. To level the playing field, the settlement should require all protocols, file formats, and API's to be made public. To punish Microsoft, the settlement should fine Microsoft an amount large enough to make sure Microsoft feels it.

There very well may be economic ramifications from such a settlement, but if we bear those economic impacts now, we can still recover. However, if we delay, the economic ramifications could become truly damaging and even debilitating. The settlement must make the statement that no one, not even Microsoft, can get away with this type of behavior.

Sincerely,

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